

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MOHAMMAD SAAILI SHIBIN,)
a/k/a "Khalif Ahmed Shibin,")
a/k/a "Mohammad Ali,")
a/k/a "Ali Jama,")
)
Defendant.)

CRIMINAL CASE NO.
2:11cr33

TRANSCRIPT OF PROCEEDINGS
(Testimony of Kevin Coughlin)

Norfolk, Virginia
April 25, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,
United States District Judge, and a jury

APPEARANCES:

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I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
K. Coughlin	3	32	--	--

E X H I B I T S

No.	Page
Government's Exhibit No. 2-16 A	12
Government's Exhibit No. 2-16 C	25
Government's Exhibit No. 2-16 D	25
Government's Exhibit No. 2-16 E	25
Government's Exhibit No. 2-16 F	25
Government's Exhibit No. 2-16 G	25
Government's Exhibit No. 2-16 H	25
Government's Exhibit No. 2-16 I	25
Government's Exhibit No. 2-16 J	25
Government's Exhibit No. 2-16 K	25
Government's Exhibit No. 2-16 L	25
Government's Exhibit No. 2-16 M	25
Government's Exhibit No. 2-16 N	25
Government's Exhibit No. 2-16 O	25
Government's Exhibit No. 2-16 P	25
Government's Exhibit No. 2-16 B	28

—K. Coughlin - Direct—

1 ***** ***** *****

2

3 THE COURT: Who is your next witness?

4 MR. SAMUELS: Your Honor, the United States calls
5 Special Agent Kevin Coughlin.

6 (The witness was sworn by the clerk.)

7 KEVIN COUGHLIN, called as a witness, having been
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SAMUELS:

11 Q. Good afternoon, sir.

12 A. Good afternoon.

13 Q. Would you tell us your name, please?

14 A. My name is Kevin Coughlin.

15 Q. And where do you work, Mr. Coughlin?

16 A. I'm a special agent with the FBI.

17 Q. How long have you been a special agent with the FBI?

18 A. Approximately four years.

19 Q. Where are you assigned, sir?

20 A. Assigned to the FBI field office in New York City.

21 Q. And are you assigned to a particular squad or unit in New
22 York?

23 A. I am. My squad is Squad C 19. It's part of the Violent
24 Crime Major Offenders Branch of the FBI.

25 Q. Were you assigned to the same squad in February through

—K. Coughlin - Direct—

1 April of 2011?

2 A. I was.

3 Q. What is your legal experience that you had prior to
4 becoming an FBI agent?

5 A. I was in the Marine Corps for a long period of time.
6 While I was in the Marine Corps I had gone to law school. I
7 did a number of things in the Marine Corps, but one of them
8 was I was a judge advocate, and so I was a prosecutor for a
9 certain amount of time, and I was a defense attorney for a
10 certain amount of time in the Marine Corps.

11 After getting out of the Marine Corps I was hired to
12 work for Congress. I was an attorney for the House Armed
13 Services Committee, where I also served as a professional
14 staff member for approximately three years before going into
15 the FBI.

16 Q. And are you one of the case agents on the matters pending
17 here today, sir?

18 A. Yes, I am.

19 Q. Agent Coughlin, were you involved in the transfer of
20 custody of Mohammad Saaili Shibin to the United States from
21 Africa in April of 2011?

22 A. Yes, I was.

23 Q. And were you taking custody of Mr. Shibin pursuant to an
24 arrest warrant that was issued in the Eastern District of
25 Virginia?

—K. Coughlin - Direct—

1 A. Yes, I was.

2 Q. Do you see Mr. Shibin in the courtroom today, sir?

3 A. I do. He's sitting at the defense table next to
4 Mr. Broccoletti, with the gray shirt on.

5 MR. SAMUELS: Indicating the defendant, Your Honor?

6 THE COURT: Let the record so reflect that he's
7 identified the defendant.

8 MR. SAMUELS: Thank you, sir.

9 BY MR. SAMUELS:

10 Q. Agent Coughlin, what method of transportation was used to
11 bring the defendant to the United States?

12 A. We flew him back on a G5 airplane. Essentially, it's
13 like a private jet that fits, you know, ten to twelve people
14 on it.

15 Q. And had you traveled over to Africa in that G5 to bring
16 the defendant back to the United States?

17 A. Yes, I did.

18 Q. And did you travel over there with some members of your
19 investigative team?

20 A. Yes, I did.

21 Q. Did you bring along a Somali-speaking translator as well?

22 A. Yes, I did. It was a -- he worked for the FBI, but he
23 was a Somali linguist, yes.

24 Q. Did you bring along an agent that could attend to any
25 medical needs of the defendant, if necessary?

—K. Coughlin - Direct—

1 A. I did. In addition to the investigative team that came
2 with me, we brought Special Agent Alan Sosebee, who had
3 medical training so that he could provide medical assistance
4 to Mr. Shibin during the flight back. We had been informed
5 that he had -- was a diabetic, and we wanted to make sure
6 that we could continue to check his vitals to make sure that
7 he was in good health.

8 Q. When and where did you first encounter the defendant?

9 A. It was when we landed in Africa. It was at a runway. We
10 had landed the plane and essentially deboarded the plane but
11 was in the vicinity of where the plane was, and at that point
12 he was -- the defendant, Mr. Shibin, was transported to me by
13 Supervisory Special Agent D'Amico and Special Agent Brian
14 Maliszewski.

15 Q. And were you briefed by Special Agents D'Amico and
16 Maliszewski as to what statements, if any, the defendant had
17 provided so far to these agents?

18 A. Just in some general terms. While we were transferring
19 him over to get aboard the ship -- the plane, rather --
20 essentially I was asking -- you know, they were filling me in
21 on some of the things that had occurred during the prior
22 interviews. And really it was just some of the high points.

23 As case agent, there was some things that I wanted
24 to make sure that we had touched upon already. And some of
25 those were specifically like the screen shots from the

—K. Coughlin - Direct—

1 phones, because I wanted to make sure that he had identified
2 the screen shots as being from his phone, and they had
3 confirmed that he had identified that.

4 And I think the other thing we talked about was,
5 essentially, the picture of him aboard the German ship, the
6 Marida Marguerite, that we had obtained and I had forwarded
7 to Agents D'Amico and Maliszewski.

8 Q. So did you have an understanding that Mr. Shibin had made
9 some statements regarding his involvement in the Marida
10 Marguerite at the time you took custody of him?

11 A. Yes.

12 Q. All right. Were you, at the time that you took custody
13 of the defendant, advised as to whether he wanted to speak
14 further with agents at that time?

15 A. I was. I was told, I believe it was by Special Agent
16 Maliszewski, that that morning when they went to talk to him
17 again that he had asked for an attorney.

18 At that point I knew that I wouldn't be talking to
19 him any longer because of that, and, so, there wasn't a whole
20 lot of reason to go into a whole lot more detail with D'Amico
21 and Maliszewski at the time, because if I was going to be
22 continuing to talk to him I would have gotten -- wanted to
23 know more about specifics so I knew exactly what they
24 covered. But at the time it wasn't pressing, because at the
25 time we weren't foreseeing speaking to him again.

—K. Coughlin - Direct—

1 So I just confirmed with them the high points that I
2 wanted to make sure we had, but after that, as far as I was
3 concerned, we were just flying him back and transporting him
4 back to here in Norfolk.

5 Q. What date did you take custody of the defendant?

6 A. It was on April 7th, 2011.

7 Q. And how were you introduced to him? Were you introduced
8 as an FBI agent?

9 A. I believe I was. I believe I introduced myself as an FBI
10 agent to Mr. Shibin aboard the plane.

11 Q. And when you took custody of Mr. Shibin was he -- did he
12 appear to be in good health to you and alert?

13 A. Yes, he was.

14 Q. Did he appear to understand you and to take direction as
15 you were bringing him on the plane?

16 A. Yes, he was. And we also had our FBI Somali linguist
17 with us, you know, and so we had offered to speak with him
18 through the linguist, but he had said he was fine with
19 speaking English.

20 And one of the first things we did was we provided
21 him some food; you know, chicken wings, rice, beans, stuff
22 like that. And then Alan Sosebee did, essentially, a medical
23 check of him right when we got on the plane.

24 Q. Going back to this Somali linguist, were the services of
25 this linguist required at all during the trip back to the

—K. Coughlin - Direct—

1 United States?

2 A. No, they were not. He was right in the vicinity of our
3 area the entire flight because, obviously, it's a small
4 plane, but they were never needed during the flight.

5 Q. All right. Let's talk about the plane. What is the
6 interior of a G5 like? Can you describe that to the jury, as
7 well as where the defendant was placed on that plane?

8 A. Sure. It was -- essentially, if you think of the plane
9 as a fuselage then there would be like one seat on one side
10 of the plane and one seat on the other side, there's like a
11 little, small kitchen and bathroom in the back of the plane.
12 I was sitting in the rear right side of the plane, so if you
13 use my seat here in the witness stand as a reference the
14 plane is ahead of me -- the front of the plane is ahead of
15 me. To my left would be the aisle of the plane. To my -- on
16 the other side of the aisle there's another seat also facing
17 forward, the front part of the plane. Right in front of me
18 is another seat that is facing towards me, and that's the one
19 that Mr. Shibin was placed in. So, essentially, if you can
20 imagine two seats facing each other, we would be facing each
21 other during the whole ride.

22 And across from Mr. Shibin is the same setup;
23 another seat that's facing the seat that is to my left. And
24 then ahead of that is kind of the same setup; another like
25 four chairs that are roughly set up in the same way. So,

—K. Coughlin - Direct—

1 essentially, there's a row of eight chairs there, and then
2 further up towards the front of the plane I think there's
3 some additional seating.

4 Q. Agent Coughlin, were there other members of the
5 investigative team that traveled back to you -- or traveled
6 back with you to the United States from Africa?

7 A. Yes, there was. There was Supervisory Special Agent
8 Eddie Deck -- or Edward Deck. There was Detective Fred
9 Galloway from the NYPD. Detective Galloway works with the
10 FBI on our Joint Terrorism Task Force out of New York. And
11 Supervisory Special Agent Rob D'Amico also traveled back with
12 us aboard that flight.

13 Q. And did the trip take a number of hours?

14 A. It did.

15 Q. And after you got underway were refreshment and food
16 provided to the defendant?

17 A. Yes, they were.

18 Q. All right. As you got underway did the defendant
19 initiate conversation with you?

20 A. Yes, he did.

21 Q. And was he asking questions of you, or was he making
22 statements; do you recall?

23 A. He started asking questions to us, questions that would
24 have required us to start talking about the case. They
25 weren't just questions like, you know, "How is the weather,"

—K. Coughlin - Direct—

1 or something like that.

2 So at that point I had told him that, "Look, you had
3 asked to speak to an attorney so I'm not allowed to engage in
4 this type of conversation with you."

5 Q. All right. And was there a pattern of this
6 back-and-forth a number of times where he initiated
7 conversation and you refrained from speaking with him?

8 A. Yes. This happened a few times, and then essentially at
9 one point I just explained to him that, "Look, you had asked
10 to speak to an attorney. If you are telling me you want to
11 have a conversation and you no longer want an attorney
12 present, I'm happy to speak to you."

13 And at that point he said he wanted to speak, and I
14 confirmed with him that he was fine now talking to us without
15 an attorney. And he said, "Yes," and so, essentially, we
16 reengaged him with an interview at that time.

17 Q. And, obviously, you're confirming with him. You're
18 talking to him in English?

19 A. Yes.

20 Q. Did he have any trouble -- or appear to have any trouble
21 understanding you when you told him that he would have to be
22 the one that would initiate conversations with you?

23 A. No, he seemed to understand it, especially since the
24 first few times when I explained it he stopped talking or
25 stopped asking, but then a certain amount of time would go by

—K. Coughlin - Direct—

1 and then he would reengage, and, you know, finally it was
2 just clear that he wanted to talk.

3 Q. Before beginning to talk with Mr. Shibin did you advise
4 him of his Miranda rights?

5 A. I did. I re-read him -- I read him the -- we call them
6 in the FBI a Standard Form 395 form, but essentially it's a
7 standard advice of rights form that we use in the FBI.

8 Q. If I could, with the assistance of Mr. Pierce, I'd like
9 to hand you Government's Exhibit 2-16 A and ask if you
10 recognize that, Agent Coughlin?

11 A. Yes, I do. This is a -- this is the advice of rights
12 form that I went over with Mr. Shibin.

13 Q. And is it signed by you and by Mr. Shibin?

14 A. Yes, it is, as well as myself and Edward Deck, who is one
15 of the other FBI agents that was with me on the investigative
16 team.

17 MR. SAMUELS: Your Honor, I would offer Government's
18 Exhibit 2-16 A into evidence.

19 THE COURT: 2-16 A is received in evidence, the
20 Miranda warning rights.

21 (The exhibit was admitted into evidence.)

22 MR. SAMUELS: Madam Clerk, is the monitor on?

23 THE CLERK: Yes, sir, it is.

24 MR. SAMUELS: Oh, I see. Okay. Thank you.

25 May I publish, Judge? Your Honor, may I publish

—K. Coughlin - Direct—

1 this exhibit?

2 THE COURT: Yes.

3 MR. SAMUELS: Thank you, sir.

4 BY MR. SAMUELS:

5 Q. Agent Coughlin, how did you go over Mr. Shibin's -- how
6 did you go over this form with Mr. Shibin?

7 A. Well, as you can see, this is in English. We had a copy
8 of the advice of rights form in Somali, but, as I said
9 before, he was happy to go over it in English.

10 I read it aloud to him. Initially, he confirmed
11 with me that this was the same form that he had earlier gone
12 over with Agents D'Amico and Maliszewski, and he said, "Yes."
13 And I said, "It's standard practice for us to do this every
14 time we initiate a new interview." So he said, "Okay."
15 He -- you know, he looked at it and then signed it.

16 Q. And is that Mr. Shibin's signature on the bottom right
17 there, sir?

18 A. Yes, it is.

19 Q. And it's signed by yourself. Is it signed by another
20 agent as well?

21 A. Yes, it is.

22 Q. Who else signed it?

23 A. Edward Deck.

24 Q. Did Mr. Shibin have any questions about this form?

25 A. He did not.

—K. Coughlin - Direct—

1 MR. SAMUELS: We can take that down, Mr. DePadilla.

2 BY MR. SAMUELS:

3 Q. How long did your -- this first interview with the
4 defendant last, Agent Coughlin?

5 A. It was approximately one hour.

6 Q. And on the trip back to the United States did you
7 ultimately conduct two separate interviews with the
8 defendant?

9 A. Yes, I did.

10 Q. All right. Let's discuss what you talked about in the
11 course of the first interview.

12 A. Okay.

13 Q. Did you discuss with Mr. Shibin whether or not he knew an
14 individual named Juguuf?

15 A. I did.

16 Q. And what did he tell you about someone named Juguuf?

17 A. He said he had known Juguuf for a couple of years. He
18 said they knew each other from Bossaso. He said they used to
19 work together at a mineral company called the African Oil
20 Company or the AOC.

21 Q. What did he tell you initially about any knowledge he had
22 about Juguuf's involvement in piracy?

23 A. He had said that he had never dealt with Juguuf in piracy
24 before. He had said that he did not know Juguuf was involved
25 in piracy and did not know that Juguuf had gone to sea to

—K. Coughlin - Direct—

1 pirate a vessel.

2 Q. Did you talk to an individual by the name of Sarindaaq?

3 A. I did.

4 Q. What did he say about Sarindaaq?

5 A. He had said that he had heard of Sarindaaq but that he
6 did not know who he was.

7 Q. Did you discuss the piracy of the sailing vessel Quest
8 with the defendant?

9 A. Yes, I did.

10 Q. And what did he tell you that he had learned about the
11 hijacking of the Quest, Agent Coughlin?

12 A. He had said that the first time he had learned about it
13 he had received a telephone call from Mohamud Haji Khyr and
14 that Mohamud Haji Khyr had called him up on the phone and
15 told him that Juguuf and his friends had hijacked a vessel
16 and that -- and I'll quote this -- he said Haji Khyr asked
17 him to "make the negotiation and be the translator for the
18 Quest hijacking."

19 Q. Did he say who had Haji Khyr was?

20 A. He said Haji Khyr was a mediator -- is the word he
21 described, but essentially it was describing it as if he was
22 like a go-between -- I mean, a financier for the pirates;
23 somebody to kind of like organize things.

24 He said that he had known Haji Khyr -- later on --
25 actually, it might have been in the second interview, but he

—K. Coughlin - Direct—

1 said he had known Haji Khyr from the Marida Marguerite
2 hijacking, because Haji Khyr was also involved in the Marida
3 Marguerite hijacking.

4 Q. And did Mr. Shibin say when he had gotten this telephone
5 call from Mohamud Haji Khyr in relation to the hijacking of
6 the Quest?

7 A. Specifically, he didn't say the day. He said that the
8 day that he got the phone call from Haji Khyr was the same
9 day that he did the Google searches on his phone.

10 Q. All right.

11 A. And then we started talking about that.

12 Q. Well, what did Haji Khyr tell him first about who was
13 responsible for hijacking the Quest?

14 A. Well, he said Juguuf and his friends had hijacked the
15 Quest -- well, at the time, actually, they didn't know that
16 the name of the ship was the Quest, and Mr. Shibin said that
17 through his Google searches is how he actually found out the
18 name of the ship was the Quest.

19 Q. What did the defendant say his initial response was to
20 Haji Khyr when he was asked to make the negotiation for the
21 Quest?

22 A. He said that he told Haji Khyr that he would think about
23 it.

24 Q. What did the defendant say he did as a result of the call
25 from Mohamud Haji Khyr asking him to be the negotiator?

—K. Coughlin - Direct—

1 A. He said that's when he started doing the Google searches
2 and he said he started looking up the value of the Quest, who
3 the owners of the Quest were, how to contact the owners of
4 the Quest. And, essentially, after that we asked him why he
5 was doing that as well.

6 Q. And did he say how he did these Google searches; whether
7 he used a computer, whether he used a phone?

8 A. I don't recall if he said specifically. I knew he had
9 used the phone, and I knew previously that D'Amico and
10 Maliszewski had already confirmed the screen shots, and so I
11 wasn't trying to go over things that I knew were already
12 covered in previous interviews because I was just trying to
13 cover new things that I felt hadn't been covered yet.

14 Q. When did he say he did these Google searches in relation
15 to that first call from Haji Khyr asking him to be involved?

16 A. He said he did those Google searches the same day.

17 Q. All right. And what did he say about why he did the
18 searches?

19 A. He said that he did the Google searches in case he
20 decided that he wanted to get involved as the negotiator for
21 the Quest.

22 Q. What did he say his final response was to Haji Khyr as to
23 the question about whether he would be involved as a
24 negotiator for the Quest?

25 A. He said two days later after Haji Khyr initially asked

—K. Coughlin - Direct—

1 him to be the translator -- he said two days later he told
2 Haji Khyr that he was not interested in being the negotiator.

3 Q. Did he say anything about why he waited two days?

4 A. He did not.

5 Q. What did the defendant say about when he had learned the
6 Americans had been killed on the Quest?

7 A. He said that he did not remember when he learned that the
8 Americans had been killed on the Quest. He definitely knew
9 they had been, but he just didn't remember when he found that
10 out.

11 Q. Okay. So in relation to when he told Haji Khyr that he
12 would not be the negotiator he didn't tell you when he had
13 learned the Americans were killed in relation to that?

14 A. No, he did not.

15 Q. When you were discussing the Quest hijacking what did he
16 say -- what did the defendant say about his awareness of
17 Juguuf and others going to sea?

18 A. He had said that he did not know that Juguuf had gone to
19 sea -- Juguuf or others had gone to sea to pirate a vessel or
20 that Juguuf was even involved in piracy.

21 Q. And what did he say about any prior dealings that he had
22 had with Juguuf regarding piracy?

23 A. He had said he had never had any dealings with Juguuf and
24 piracy before.

25 Q. What did the defendant say as to about why his name would

—K. Coughlin - Direct—

1 be given by Juguuf as the contact to negotiate the ransom for
2 the Quest?

3 A. He said he had no idea why they would have provided his
4 name. He said perhaps that was their intent to use him as a
5 negotiator, but it didn't mean that that was his intent to be
6 the negotiator.

7 Q. And did you talk to Shibin about how his number or why
8 his number had been given to the United States Navy?

9 A. He said he had no idea. He said the only thing he could
10 think of was perhaps that Juguuf gave the Navy, the U.S.
11 Navy, his phone number. He said that Juguuf would have had
12 his phone number.

13 Q. Did the defendant talk at all about what he had told
14 people about hijacking Americans?

15 A. He said that he had told people that they should not
16 hijack American vessels. He had mentioned that three other
17 people had approached him to be the negotiator on other
18 ships, hijackings, and he had said "No" to them.

19 Q. Did he say why he was approached?

20 A. He did not, not that I recall.

21 Q. Agent Coughlin, did you discuss some other individuals
22 that your investigation revealed had been involved in piracy
23 with the defendant?

24 A. I did.

25 Q. And did you discuss somebody named Abdullahi Yare?

—K. Coughlin - Direct—

1 A. I did.

2 Q. And did the defendant recognize that name?

3 A. He did.

4 Q. And what did he say about Abdullahi Yare?

5 A. He said Abdullahi Yare is, essentially, a godfather of
6 piracy in a town called Garat. Garat is also spelled Garaad,
7 but it's essentially the same town. He said that, you know,
8 Yare is the king of pirates in Garat; that he's never
9 actually seen Abdullahi Yare before but that he -- that Yare
10 lives in Garat and that Leon is his man.

11 Q. Okay. When you say "Leon," who was -- was there another
12 name that you're referring to there or that he was referring
13 to?

14 A. Yes. We continued to talk about Leon with Mr. Shibin,
15 and he said that Leon also goes by the name Looyan, and he
16 said, essentially, Abdullahi Yare is the financier that has
17 people go out and hijack boats, and then Looyan or Leon is
18 the person that would be the translator for those hijackings.
19 He also mentioned that Leon is not just a negotiator and
20 translator, but he also gets involved as a financier as well
21 and that he's been involved in piracy since the beginning of
22 piracy.

23 Q. Did he talk about Leon or Looyan in connection with Yare?

24 A. He did. He said that, essentially, Leon -- or Looyan --
25 is Yare's negotiator, said that Yare usually uses Leon -- or

—K. Coughlin - Direct—

1 Looyan -- as his negotiator.

2 Q. In this first interview did you ask him about an
3 individual named Mersalle or Balixule?

4 A. Yes, I did. They're actually the same person. You know,
5 through our investigation we knew Balixule or Mersalle as the
6 same person, just two different names. We specifically asked
7 him if he knew Mersalle, and then we asked him if he knew
8 Balixule. We didn't say that they were the same person, but
9 just to see if he recognized either of the names, and he said
10 that he did not.

11 Q. And this was in the first interview?

12 A. Yes.

13 Q. And what about an individual named Jama Abdikadir? Did
14 you ask him about that individual?

15 A. Yes, I did, and he said he did not know Jama Abdikadir.

16 Q. Agent Coughlin, in addition to the Quest and the other
17 pirates, did you also discuss the Marida Marguerite
18 hijacking?

19 A. I did.

20 Q. And what did the defendant say about his involvement in
21 this hijacking?

22 A. Mr. Shibin had said that he was contacted in May of 2010
23 to be the negotiator for the Marida Marguerite hijacking.

24 Q. And what did he say he was contacted to do in that
25 hijacking?

—K. Coughlin - Direct—

1 A. He mentioned that the pirates that had taken the ship
2 were having a hard time communicating with the owners of the
3 company so he had been brought in to do the negotiations,
4 essentially, so that they could communicate between the
5 pirates on the ship and the people that ---the company,
6 essentially.

7 Q. What did he say about any assistance that he had provided
8 to the hostages on the Marida Marguerite?

9 A. He mentioned in an earlier interview that he had allowed
10 them to use his cell phone during the period of captivity.

11 Q. Did he indicate whether or not a ransom was paid by the
12 Germans for the release of the Marida Marguerite?

13 A. He did. He said there was a ransom that was paid.

14 Q. And did he indicate he received any money as a result of
15 his participation in that?

16 A. Yes, he did. He had said that he received \$30,000 from
17 that ransom. He went in further detail to say that he had
18 gotten \$25,000 from the pirates themselves, and then he said
19 that somebody else gave him an additional \$5,000, which is --
20 got him to the total of \$30,000.

21 Q. Did you ask him what he had done with that money?

22 A. I did.

23 Q. And what did he say?

24 A. He said that he had already spent the money; that he had
25 either given it to -- given it away to friends and family

—K. Coughlin - Direct—

1 members.

2 Q. What did he say about his response or his reaction after
3 participating in the Marida Marguerite act of piracy?

4 A. After, essentially, he was done he just said that he was
5 done with it.

6 Q. Okay. Did he talk about other individuals who were
7 involved in the hijacking of the Marida Marguerite?

8 A. He did.

9 Q. And did he discuss Mohamud Haji Khyr, any involvement he
10 might have had?

11 A. He said Mohamud Haji Khyr was also involved in the Marida
12 Marguerite hijacking.

13 Q. What about Abdullahi Yare?

14 A. He said that Yare was not involved in the Marida
15 Marguerite hijacking.

16 Q. Did you ask him about somebody named Faraad or Manne?

17 A. Yes.

18 Q. What did he say?

19 A. He had said those were two of the financiers for the
20 Marida Marguerite hijacking.

21 Q. And what about someone named Bashi?

22 A. Excuse me?

23 Q. Bashi.

24 A. Yes. He also said that he was one of the financiers of
25 the Marida Marguerite.

—K. Coughlin - Direct—

1 Q. And at the end of your first interview -- and how long
2 was this, again, Agent Coughlin?

3 A. The first interview lasted one hour, approximately.

4 Q. And why did it end, sir?

5 A. We decided to take a break at that point.

6 Q. At the end of this first interview did you show the
7 defendant some photos of the individuals who had been
8 arrested in connection with the hijacking of the Quest?

9 A. Yes, I did.

10 Q. I'd like to show you Government's Exhibits 2-16 C through
11 2-16 P and ask you if you recognize these, with the
12 assistance of Mr. Pierce.

13 A. Yes, these are the 14 photos that I showed to Mr. Shibin
14 when we were at the end of that interview.

15 Q. Okay. And when you showed them to him did you just show
16 him the photo, or did you tell him anything with respect to
17 the photo?

18 A. I did not. I just showed him -- essentially had him
19 go -- went through each photo with him to see if he
20 recognized any of the individuals in the photos.

21 Q. And, Agent Coughlin, if you could just flip through and
22 make sure that you have 2-16 C -- and does it end with 2-16
23 P, sir? Is that the last one you have?

24 A. Yes.

25 Q. All right.

—K. Coughlin - Direct—

1 MR. SAMUELS: Your Honor, at this time I would offer
2 Government's Exhibits 2-16 C all the way through 2-16 P, the
3 photos that Agent Coughlin showed the defendant.

4 THE COURT: The photos 2-16 C through 2-16 P are
5 admitted in evidence, the photos that were shown to the
6 defendant.

7 (The exhibits were admitted into evidence.)

8 BY MR. SAMUELS:

9 Q. Agent Coughlin, let me ask you about a couple of these
10 specifically.

11 Did you show the defendant 2-16 D here, sir?

12 A. Yes, I did.

13 Q. And was he able to identify who that was?

14 A. Yes, he was.

15 Q. And who did he say that was, sir?

16 A. He said that was Juguuf. We know his real name to be
17 Mohamud Salad Ali.

18 Q. Did the defendant know his real name, or did he know him
19 as Juguuf?

20 A. He knew him as Juguuf.

21 Q. All right. Let me show you 2-16 E.

22 Who is that, Agent Coughlin?

23 A. That is Mohamud Hirs Issa Ali, whose nickname is
24 Sarindaaq.

25 Q. Did you show this photo to the defendant?

—K. Coughlin - Direct—

1 A. Yes, I did.

2 Q. And did he indicate whether or not he recognized or knew
3 this individual?

4 A. He said he did not know that individual.

5 Q. I'm showing you 2-16 H. Who is 2-16 H, Agent Coughlin?

6 A. That is Jilani Abdiali, who is nickname is Ilkasse.

7 Q. And did you show this to the defendant?

8 A. Yes, I did.

9 Q. And did he indicate whether or not he knew or recognized
10 Jilani?

11 A. He said he did not know him.

12 Q. And finally I'll show you 2-16 M. Who is 2-16 M, Agent
13 Coughlin?

14 A. It is Ahmed Salah Ali Barawe, whose nickname is Hindi.

15 Q. Did you show this photo to the defendant?

16 A. Yes, I did.

17 Q. Did he indicate whether or not he recognized or knew
18 Hindi?

19 A. He said he did not.

20 Q. Other than Juguuf, that first photo that I showed you,
21 did he recognize or know any of the other individuals in the
22 photos that you showed him, the individuals involved in the
23 Quest hijacking?

24 A. No, he did not.

25 Q. Agent Coughlin, you indicated that this interview ended

—K. Coughlin - Direct—

1 in --

2 MR. SAMUELS: You can take that down, Mr. DePadilla.

3 BY MR. SAMUELS:

4 Q. -- because you-all decided to take a break. Is that
5 right, sir?

6 A. Yes.

7 Q. And after this interview was Mr. Shibin provided with
8 food, an opportunity to use the restroom?

9 A. Yes, he was -- you know, we gave him -- he had requested
10 some coffee. We gave him some coffee, and I believe he used
11 the restroom.

12 Q. And later in the day did you talk with him again aboard
13 the G5?

14 A. I did. It was over four hours after that that we decided
15 to do a second interview.

16 Q. And before you did a second interview did you again
17 administer Miranda warnings?

18 A. Yes, I did.

19 Q. Let me show you what's been marked as 2-16 B, with the
20 assistance of Mr. Pierce.

21 Do you recognize that, Agent Coughlin?

22 A. Yes, I do.

23 Q. And what is it, sir?

24 A. This is the advice of rights form that we used during
25 that second interview.

—K. Coughlin - Direct—

1 Q. Is it the same advice of rights form as 2-16 A, the first
2 one we looked at?

3 A. Yes, it was.

4 Q. And was this administered and read by the defendant?

5 A. Yes, it was.

6 Q. And was it signed by the defendant?

7 A. Yes, it was.

8 Q. Did you sign as well, sir?

9 A. I did, as well as Detective Fred Galloway.

10 MR. SAMUELS: Your Honor, I offer Government's
11 Exhibit 2-16 B into evidence.

12 THE COURT: It is received evidence, 2-16 B. It is
13 received in evidence.

14 (The exhibit was admitted into evidence.)

15 BY MR. SAMUELS:

16 Q. What is the time indicated on that, Agent Coughlin?

17 A. 10:33 p.m.

18 Q. And is that some hours after you first interviewed the
19 defendant?

20 A. Yes. The first interview went from, essentially,
21 5:12 p.m. to, I think, like 6:12 p.m., so this would have
22 been, you know, over four hours later.

23 Q. And how long did this interview last?

24 A. Approximately, 30 minutes; probably a little less than
25 that.

—K. Coughlin - Direct—

1 Q. Generally, what was done in the course of this session
2 with the defendant?

3 A. We started out -- we had a photo book of pictures of
4 al-Shabaab members. Al-Shabaab is a terrorist organization
5 that operates in that area, and we were trying to see if he
6 recognized any of the individuals who we'd identified as
7 being members of al-Shabaab, which he did not.

8 Q. Agent Coughlin, in the second interview did you come back
9 to the subject of Mersalle or Balixule?

10 A. Yes, we did.

11 Q. And how did you return to that subject, sir?

12 A. Through the course of my investigation I had strong
13 indications that he did know this individual, so I was
14 surprised by him not identifying him earlier. So what I
15 decided to do was I wrote the name out on a piece of paper,
16 instead of -- in case there was some way I was mispronouncing
17 the name. And at that point Mr. Shibin said, oh, that he did
18 know that person, and he said he didn't recognize him earlier
19 because, he said, of the way I was pronouncing the name.

20 Q. What did the defendant say about Balixule?

21 A. He said Balixule is a pirate. He said he knows Balixule.
22 He said he last saw him in Galkayo, Somalia. He said
23 Balixule operates as a -- not just a financier, but also he
24 believes that Balixule goes out to sea in pirate vessels
25 himself. He said that he's talked to Balixule many times,

—K. Coughlin - Direct—

1 and he mentions that -- he mentioned earlier that he had seen
2 Balixule in Galkayo, and he said that a lot of pirates --
3 before they go out to sea and try to hijack a vessel they go
4 to Galkayo essentially to party, essentially, before they go
5 to sea.

6 Q. When he indicated that he had talked to Balixule many
7 times did he indicate whether or not he had talked to him by
8 phone?

9 A. I'd have to check -- check my notes on that. I believe
10 so.

11 Q. Okay. How did this session end with the defendant? Was
12 it shorter than the first one?

13 A. It was. It -- essentially, Mr. Shubin said that he had a
14 headache and he wanted to stop the interview at that point.
15 And, so, we -- you know, we essentially listened to his
16 wishes, and we stopped the interview at that point.

17 Q. And did you think there would be other opportunities to
18 possibly talk to the defendant on the remainder of the trip
19 to the United States?

20 A. Yes, I did.

21 Q. And were there?

22 A. There was not. There was, obviously, a lot more that we
23 would like to have covered with him and other areas we would
24 like to go into, but when we went to reengage him again he
25 said he still wasn't feeling well and wasn't up to speaking

—K. Coughlin - Direct—

1 with us anymore.

2 Q. Where did you land with the G5 with the defendant, Agent
3 Coughlin?

4 A. Essentially, we landed in, essentially, the Virginia
5 Beach/Norfolk area, so here in Virginia.

6 Q. All right. Agent Coughlin, in the course of your two
7 interviews with the defendant did he ever tell you that he
8 had been with an NGO or nongovernmental organization?

9 A. No, he did not.

10 Q. Did he tell you he was with a human rights organization?

11 A. No, he did not.

12 Q. Did he ever tell you that he was forced to participate in
13 the hijacking or piracy of the Marida Marguerite?

14 A. No, he did not.

15 Q. Did he ever tell you that he was a journalist?

16 A. No.

17 Q. Did he ever tell you that he was going on vacation at the
18 time of the Quest hijacking?

19 A. No.

20 MR. SAMUELS: Your Honor, if I may have just one
21 moment, please.

22 (There was a pause in the proceedings.)

23 MR. SAMUELS: Thank you, Your Honor. I have nothing
24 further for Agent Coughlin.

25 THE COURT: How long are you going to be,

—K. Coughlin - Cross—

1 Mr. Broccoletti?

2 MR. BROCCOLETTI: Ten minutes, at the most.

3 THE COURT: Oh, okay. Go ahead.

4 CROSS-EXAMINATION

5 BY MR. BROCCOLETTI:

6 Q. Agent, with respect to the first interview that you had
7 with the defendant, he had told you that Mohamud Haji Khyr
8 had called him on the telephone, correct?

9 A. Yes, that's correct.

10 Q. And when he called him on the telephone he advised him
11 that Juguuf and his friends had hijacked a boat.

12 A. Yes.

13 Q. Have you looked at the telephone records that were seized
14 from the defendant's phone?

15 A. I have. I don't recall specifics of it, though.

16 Q. Do you recall any telephone call from Mohamud Haji Khyr
17 on the 18th of February to the defendant's phone?

18 A. I'd have to review. I don't recall specifically, but I
19 never looked for that.

20 Q. But it's clear during the course of that interview that
21 the defendant had told you that he told Khyr that he would
22 not be the negotiator.

23 A. Not at that point. As I mentioned earlier, it was two
24 days later. During that first phone call he had told Haji
25 Khyr that he would think about it, and then it was two days

1 later that he said he talked to Haji Khyr and told him that
2 he was not interested in being the negotiator.

3 Q. And you had said that when you were discussing the Marida
4 Marguerite with him that he was asked to do the negotiations
5 between the pirates and the company.

6 A. Yes.

7 Q. Your notes actually reflect on your -- through the 302s
8 that you provided --

9 A. Yes.

10 Q. -- quote, "As a result they asked him to do the dialogue
11 between the pirates and the company." Do you remember that
12 word?

13 A. Yes.

14 Q. And that's the word that he used, the "dialogue,"
15 correct?

16 A. Yes.

17 Q. And "negotiations" was your term that you had phrased.

18 A. That -- yes.

19 MR. BROCCOLETTI: Thank you, sir.

20 THE COURT: Is that it?

21 MR. SAMUELS: Nothing further, Judge.

22 THE COURT: All right. This would be a good time to
23 take an afternoon break, then. We'll take a 15-minute break.

24 Everyone please rise while the jury retires.

25 (The jury withdrew from the courtroom.)

1 THE COURT: Mr. Coughlin, you're instructed not to
2 discuss your testimony with anyone until this matter is
3 complete.

4 THE WITNESS: Yes, sir.

5 THE COURT: Do you need this witness any further?

6 MR. SAMUELS: No, Your Honor.

7 THE COURT: Do you need the witness any further,
8 Mr. Broccoletti?

9 MR. BROCCOLETTI: No, Your Honor.

10 THE COURT: You may be released. Thank you very
11 much, sir.

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CERTIFICATION

I certify that the foregoing is a correct transcript
of an excerpt from the record of proceedings in the
above-entitled matter.

s/s

Heidi L. Jeffreys

July 31, 2012

Date

Heidi L. Jeffreys, Official Court Reporter